

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-CR-00307-RJC-DCK

USA)
)
 v.) ORDER
)
 DAVID PATE (2))
)

THIS MATTER is before the Court upon motion of the defendant pro se to amend his presentence report (PSR) to remove reference to a gun possession charge in order for him to qualify for the Early Release Benefit under the Residential Drug Abuse Program, 18 U.S.C. §3621(e). (Doc. No. 323). at 1).

The PSR records that law enforcement officers located four firearms in the defendant's residence, along with \$108,000 in cash and a drug ledger. (Doc. No. 114: Factual Basis at 1; Doc. No. 179: PSR at 4). The Court found that the defendant maintained the residence for drug trafficking. (Doc. No. 28: Sent. Hr'g Tr. at 9). Accordingly, the PSR documents that the defendant was charged with possessing a firearm in furtherance of a drug trafficking crime which would be dismissed as part of his plea to conspiring to distribute cocaine. (Doc. No. 61: Indictment at 1, 3; Doc. No. 113: Plea Agreement at 1; Doc. No. 179: PSR at 4). The defendant did not object to that accurate information at the sentencing hearing, (Doc. No. 28: Sent. Hr'g Tr. at 3, 9), and he has not shown any basis in law or fact to alter the PSR long after it was adopted by the Court. (Doc. No. 249: Statement of Reasons at 1).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: February 13, 2019



Robert J. Conrad, Jr.
United States District Judge

